

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

COLEMAN VAOGA,

Plaintiff

v.

STATE OF CALIFORNIA, *et al.*,

Defendants

Case No. 3:21-cv-0377-MMD-CLB

**ORDER TO PAY FILING FEE
OR FILE APPLICATION TO
PROCEED *IN FORMA PAUPERIS***

I. DISCUSSION

On August 20, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. The Court granted Plaintiff an extension of time to September 28, 2021 to either pay the filing fee or submit an application to proceed *in forma pauperis*. (ECF No. 3.) On September 16, 2021, Plaintiff submitted a letter to the Clerk asking if the Court had received his application to proceed *in forma pauperis*. (ECF No. 4.) The Court had not received Plaintiff’s application granted him an additional extension of time to November 1, 2021 to either pay the filing fee or submit an application to proceed *in forma pauperis*. (ECF No. 5.) Plaintiff has now filed an application to proceed *in forma pauperis* but it does **not contain a financial certificate properly signed by the both the inmate and a prison or jail official, and it also does include a copy of the inmate’s prison or jail trust fund account statement for the previous six-month period.** (ECF No. 6.)

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

1 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
2 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on
3 page 3),

4 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
5 official (i.e. page 4 of this Court's approved form), and

6 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
7 **previous six-month period.**

8 The Court will grant Plaintiff a **second and final** opportunity to file a fully complete
9 application to proceed *in forma pauperis* containing **all three** of the required documents,
10 or in the alternative, pay the full \$402 filing fee for this action on or before **November 19,**
11 **2021**. Absent unusual circumstances, the Court will not grant any further extensions of
12 time.

13 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*
14 with all three required documents or pay the full \$402 filing fee on or before **November**
15 **19, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new
16 case with the Court when Plaintiff is either able to acquire all three of the documents
17 needed to file a fully complete application to proceed *in forma pauperis* or pays the full
18 \$402 filing fee.

19 A dismissal without prejudice means Plaintiff does not give up the right to refile the
20 case with the Court, under a new case number, when Plaintiff has all three documents
21 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff
22 may choose not to file an application to proceed *in forma pauperis* and instead pay the
23 full filing fee of \$402 on or before **November 19, 2021** to proceed with this case.

24 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
25 will not file the complaint unless and until Plaintiff timely files a fully complete application
26 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

